

# United States District Court

for the

Western District of New York

United States of America

v.

Case No. 25-MJ-563

TONY RODRIGUEZ,

*Defendant*

## CRIMINAL COMPLAINT

I, Task Force Officer, Christopher Toscano, Federal Bureau of Investigation, the complainant in this case, state that the following is true to the best of my knowledge and belief:

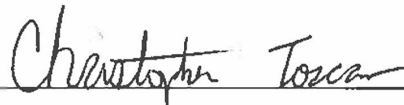
Between approximately February 26, 2025 and March 12, 2025, in the Western District of New York and elsewhere, the defendant **TONY RODRIGUEZ**, did knowingly, using a facility or means of interstate or foreign commerce, attempt to persuade, induce, entice or coerce an individual who had not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, in violation of Title 18, United States Code, Section 2422(b); and

On or about and before April 15, 2025, in the Western District of New York and elsewhere, the defendant **TONY RODRIGUEZ**, did knowingly possess material, namely one cellular telephone, which contained images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a minor, that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

**All in violation of Title 18 U.S.C. § 2242(b) and § 2252A(a)(2)(A).**

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.



*Complainant's signature*

CHRISTOPHER TOSCANO, Task Force Officer, FBI

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim.P. 4.1 and 4(d) on:

Date: May 5, 2025



*Judge's signature*

City and State: Rochester, New York

MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

STATE OF NEW YORK    )  
COUNTY OF MONROE    ) SS:  
CITY OF ROCHESTER    )

I, CHRISTOPHER TOSCANO, being duly sworn, deposes and state:

1. I am employed as an Investigator with the Monroe County Sheriff's Office. I have been employed by the Monroe County Sheriff's Office since 2012. I was assigned as a Task Force Officer with the FBI's Child Exploitation and Human Trafficking Task Force (CEHTTF) from March of 2017 to December of 2024. I am currently assigned to the Monroe County Sheriff's Office Criminal Investigations Section and also hold the position as a TFO. As a TFO I am responsible for investigating violations of federal and state criminal laws, involving child exploitation and child pornography, as well as coercion and enticement, and am empowered by law to conduct investigations and to make arrest for offenses enumerated in Title 18, United States Code, Sections 2252A(a)(2)(A), 2252A(a)(5)(B) and 2422(b). I have received specialized training in the area of child pornography and child exploitation, and I have had the opportunity to participate in the numerous child exploitation investigations and have reviewed thousands of images of child pornography as defined by 18. U.S.C §§ 2256(8).

2. This affidavit is submitted in support of a criminal complaint charging TONY D. RODRIGUEZ (hereinafter "RODRIGUEZ"), born XX/XX/1984, using a means of interstate or foreign commerce, did knowingly violate Title 18, United States Code, Section 2422(b) (Enticement

of a Minor) and Title 18, United States Code, Section 2252A(a)(5)(B) (Possession of Child Pornography) (hereinafter, collectively the “TARGET OFFENSES”).

3. The information contained in this affidavit is based on my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents and records related to this case. Because this affidavit is submitted for the limited purpose of establishing probable cause to support a criminal complaint, I have not included every fact known to me as a result of this investigation. Rather, I have set forth the facts that I believe are relevant to establish probable cause to believe that RODRIGUEZ knowingly violated Title 18 U.S.C. §2422(b) and Title 18 U.S.C. §2252A(a)(5)(B).

**Investigation by the Fairport Police Department**

4. On March 12, 2025, the Fairport Police Department (FPD) responded to a certain location located in the Village of Fairport for a harassment report.

5. Upon arrival, FPD spoke with Cooperating Witness 1 (hereinafter CW1) who reported that he runs an online community group which exposes child predators. CW1 indicated that he utilizes a fake Facebook account which is set up to pose as an 11-year-old girl named Emiry. According to CW1, his fictitious account received a message from the Facebook account “Tony Rodrigo”, who was used by an adult male, now identified as TONY RODRIGUEZ. According to CW1, RODRIGUEZ was told that the person he was communicating with on the Facebook account was 11-years-old.

6. According to CW1, their online conversation began as causal small talk, but quickly turned sexual. CW1 also said that RODRIGUEZ initiated the sexual portion of the conversation.

7. According to CW1, RODRIGUEZ instructed Emiry on how to masturbate and sent her lewd pictures of male genitalia. Eventually, RODRIGUEZ offered to meet Emiry to have sex. On March 12, 2025, RODRIGUEZ arrived at the pre-determined location in Fairport, New York to meet Emiry. Instead, CW1 arrived and confronted RODRIGUEZ about his explicit online conversations with a person RODRIGUEZ believed to be 11-years-old. This confrontation prompted the police to be called by a concerned citizen.

8. CW1 stated that while he was confronting RODRIGUEZ, RODRIGUEZ admitted to meeting Emiry for sex and acknowledged communicating online with other minors between 13 to 16 years old in a similar manner. Prior to FPD arrival, RODRIGUEZ left the scene.

**Facebook Account “Tony Rodrigo”**

9. Following the March 12, 2025, incident, FPD submitted a search warrant to Meta Platforms Inc. for the Facebook account “Tony Rodrigo”. Meta Platforms Inc. responded to that request and provided among many things, the following information:

10. The Facebook account “Tony Rodrigo” had two emails registered to the account, one being “rtony0561@gmail.com”. This account had the birthday XX/XX/1985 associated with it, which matched RODRIGUEZ’s actual birthday.

11. According to the activity log provided by Meta Platforms Inc., on February 22, 2024, “Tony Rodrigo” searched for the Facebook account associated with Emiry (the fictitious 11-year-old girl). On February 24, 2025, “Tony Rodrigo” reacted to a post made by Emiry.

12. Meta Platforms Inc. also returned the device information associated with the Facebook account “Tony Rodrigo”. The Facebook account was accessed using a Motorola G Pure cellular telephone with an encrypted connection.

13. Meta Platforms Inc. also provided a series of electronic messages between “Tony Rodrigo” and an unidentified Facebook user. These messages were contained in the “Reported Disappearing Messages” category. During the review of these messages, your affiant observed a photograph sent from the “Tony Rodrigo” account to the unidentified Facebook user, in which it depicted a male with his face and penis exposed. Your affiant knows the male in this photograph to be TONY RODRIGUEZ.

**Investigation by the Monroe County Sheriff's Office**

14. On April 15, 2025, the Monroe County Sheriff's Office (MCSO) responded to a residence located in the Town of Perinton for the “suspicious condition” report. While responding Deputies were enroute, it was reported that a male named “Tony Rodrigo” was at the location to meet a 13-year-old for a sexual encounter.

15. MCSO did contact Cooperating Witness 2 (hereinafter CW2) who reported that he oversees an online volunteer group on Facebook which exposes child predators. CW2 indicated that he utilizes a fake Facebook account which is set up to pose as a 13-year-

old girl. According to CW2, his fictitious account received a message from the Facebook account “Tony Rodrigo”, an adult male, your affiant has identified as TONY RODRIGUEZ. According to CW2, RODRIGUEZ was told that the person on the Facebook account was 13-years-old. CW2 further reported that after RODRIGUEZ was told he was communicating with a 13-year-old girl, he continued to communicate with the fictitious account, and further stated he wanted to meet up “to have sex” with the minor. On April 15, 2025, CW2 arrived, and met with RODRIGUEZ at the predetermined location, which is located within the Western District of New York. CW2 acknowledged confronting RODRIGUEZ at the arranged meet location.

16. MCSO Deputies were able to locate RODRIGUEZ at a nearby residence in which he agreed to speak with them. At that time, RODRIGUEZ told the Deputies that he was planning to meet up with a minor today to “chill”. According to the responding Deputies, RODRIGUEZ acknowledged knowing the girl he was messaging on Facebook was 13-years-old. RODRIGUEZ further told responding Deputies that they would find messages with sexual intent with minors.

17. RODRIGUEZ was ultimately detained and a Motorola G Pure with IMEI 359914966507195 and Motorola G Pure with Model number XT2163DL with IMEI 357852526638807 were retrieved. RODRIGUEZ was transported to the MCSO A-Zone substation where he was interviewed.

18. After waiving his *Miranda* rights, RODRIGUEZ spoke with members of law enforcement, during which time he admitted to communicating and believing he was communicating with a 13-year-old girl (CW2) and offering to have sex with the 13-year-old

girl (CW2). RODRIGUEZ did deny that if the 13-year-old girl was real, he would have had sex with her that day. RODRIGUEZ further confirmed the Facebook account “Tony Rodrigo” belonged to him.

19. RODRIGUEZ also made reference to communicating with a person he believed to be a minor and communicating in a sexual manner with that individual and meeting that individual at the Fairport Library.

20. During the interview RODRIGUEZ was shown the cellular telephones collected by members of MCSO. RODRIGUEZ acknowledged these cellular telephones were his and confirmed this by using passwords provided during the interview. RODRIGUEZ further gave written consent to have his cellular telephones searched along with permission for the cellular telephones to be searched without his presence.

#### **MCSO Digital Forensics Review**

21. On or about April 17, 2025, MCSO obtained a search warrant authorizing a search of the two cellular telephones retrieved from RODRIGUEZ as described above. These devices were forensically analyzed for evidence of child pornography and/or a sexual interest in children.

22. Observed collectively on the Motorola cellular telephones were approximately six images of child pornography, as defined by Title 18 U.S.C. § 2256(8). These include:

a. "12da8faf59b8ffbd08bba9334753e19e2e2972c0722b82a0b076c864eae58dd"

- i. An image depicting a pre-pubescent age girl with her underwear pulled down to her ankles. The girl is seated in what appears to be a green chair with her legs spread apart and her feet touching the seat of the chair. The pre-pubescent girl is fully naked with her vagina exposed in a lascivious manner.

b. "1484012\_6e0716f\_320x\_.jpg"

- i. An image depicting a girl approximately 12 to 16 years old laying on what appears to be a bed. The girl is fully naked with her vagina exposed in a lascivious manner.

c. "6e6cec223d4160ef0c3dd07b17645fc419d7f5dc63c446f4e532b649475c9f92.0"

- i. An image depicting a girl approximately 12 to 16 years old laying on what appears to be a couch. The girl is not wearing underwear or pants and has her vagina exposed in a lascivious manner.

23. The Motorola G Pure (Model Number XT2163DL) also contained several images depicting children. More specifically, one of the images observed is described as follows:

a. "7077.jpeg"

- i. An image depicting a screen capture of six images (collage) portraying preteen girls clothed. Under three of the images, contains the wording "Preteen" while a fourth image contains the wording "Happy 12<sup>th</sup> Birthday".

24. Contained on the Motorola G Pure (Model Number XT2163DL) were several images depicting screen captures of the social media platform Facebook and/or Instagram. During a review of these images, the following accounts were observed.

a. Facebook – "Tony Rodrigo"

b. Instagram – "tonydavidrodriguez"



**Instagram account “tonydavidrodriguez”**

25. Utilizing an open-source search, your affiant located the Instagram account “tonydavidrodriguez”. The profile picture contained within this account depicts a male I know to be RODRIGUEZ. Your affiant further observed within the Instagram account, a “threads”<sup>1</sup> link which revealed the page “Tony David Rodriguez”.

26. When reviewing the thread account associated with Tony David Rodriguez, your affiant observed under the “Threads” tab at least one reply to an account appearing to be associated with a minor. The user of this account identifies being 13 years-old and specifically indicates their age limit for dating and/or friendship is “13-15”. The Tony David Rodriguez account does respond to a post by this user by stating “you sound awesome, do you have a favorite horror movie”.

27. When reviewing the thread account associated with Tony David Rodriguez, your affiant observed under the “Replies” tab several “Replies”. More specifically the following was observed:

a. Thread User 1

- i. Post – “Is it true that older guys don’t like teens??Guys?”  
Additionally, this post has two images attached which depicts approximately four different girls clothed, all appearing to be under the age of 18 years old.

---

<sup>1</sup> According to open source search, Threads is an application associated with Instagram which allows users to view and share public conversations. Threads allows a user to post threads, reply to others and follow profiles a user is interested in. Threads and replies can include short pieces of text, links photos, videos or any combination of them. Additionally, when a user replies to another, the reply will appear as its own thread in the replies tab on their profile.

ii. Tony David Rodriguez responds by stating “Not true”

b. Thread User 2

i. Post – “hey” and “single”. Additionally, this post has a video attached which depicts two girls fully clothed. One girl appears to be preteen in age, while the other girl appears to be pre-pubescent in age. The video shows the girls dancing with one another.

ii. Tony David Rodriguez responds by stating “So adorable” and “Hi”

28. Observed collectively on the Motorola cellular telephones were incoming emails from the social media platform Reddit. The emails contained posts from Reddit users within various subreddit communities. Your affiant did observe a subreddit community associated with teens. The following are examples of subject lines observed within the incoming emails.

- a. [15F]
- b. [14F] Do we fw the new hair style? I tried curling the ends n stuff 😊👆📱👩
- c. [F16] Hiii!!
- d. [15F] LOOKING FOR GIRLFRIENDSS (not in the dating way ofc) My timezone is auss :))
- e. [14F] pls bmf if u like slushynoobz (no newgens tho) hello frens
- f. [13F] hey guysssss (say hi back.)
- g. 14 AMA just don't be a creep :)
- h. 15F band kid, ask me anything
- i. [13F] hey everyone!!
- j. [14F] looking for online friends (no pedos 😊)
- k. [f13] Hello 🖐

29. Contained on the Motorola G Pure (Model Number XT2163DL) were approximately 385 Google searches associated with minors. The follow are examples of Google searches observed:

<b>Search Term</b>	<b>Date</b>
cute 13 year old girls	1/12/2025
sexy 14 yera old girls	1/12/2025
bent over 13 year old girls	1/12/2025
cute little girls	1/12/2025
beautiful little girl legs	1/12/2025
open shorts little girl leg	1/12/2025
small teen porn	1/13/2025
barely legal teen porn	1/13/2025
stunning little girls	1/14/2025
sexy little girls	1/14/2025
little girl butts	1/14/2025
sleeping teen porn	1/17/2025
little girls sleeping bag	1/17/2025
little girls sleeping with mouth open	1/17/2025
sleeping naked teen porn	1/17/2025
babyface porn	1/18/2025
baby-face teen porn	1/18/2025
small preteens	1/30/2025
preteens pics	1/30/2025
small legal teen porn	2/5/2025
small preteens crying	2/5/2025
teen pussy pics	3/31/2025

preteen girls	4/8/2025
preteen butts	4/8/2025
preteen girls	4/8/2025
15 year old girls	4/8/2025
little girl pinterest	4/13/2025
preteen girl pinterest	4/13/2025

30. Observed collectively on the Motorola cellular telephones were files associated with the Fairport Police Department investigation. More specifically Facebook communications between RODRIGUEZ and CW1. The following is a summary only of the Facebook communications reviewed.

31. These Facebook communications took place on or about February 26, 2025 through March 12, 2025. The Facebook communications identify the Facebook user as Tony Rodrigo. Based on a review of the Fairport Police Departments case file, I know the other user to be a fictitious 11-year-old girl<sup>2</sup>.

32. Throughout the conversation, RODRIGUEZ was made aware on multiple occasions that he was communicating with a minor. For example, on March 1, 2025, the following messages ensued:

---

<sup>2</sup> The fictitious 11-year-old girl was portrayed by a representative of CW1's organization and thus will be referred to as Emiry, the name provided by CW1. It should be noted that ellipses throughout indicate additional conversations between the foregoing and following excerpts.

RODRIGUEZ "Did you wanna video chat still"  
 Emiry "Mom home she works tomorrow tho we can video call  
 then"  
 RODRIGUEZ "Oh okay (thumbs up emoji)"  
 .....  
 RODRIGUEZ "So are we dating"  
 Emiry "Do you want too"  
 RODRIGUEZ "Kinda yeah"  
 RODRIGUEZ "But then I think about your age"

33. Another example in which RODRIGUEZ was made aware that he was communicating with a minor occurred later in the day on March 1, 2025. RODRIGUEZ asked Emiry what she did today, to which Emiry responded and stated "Schopl". Emiry further indicated that she is "homesch99l". As these communications continued RODRIGUEZ stated to Emiry, "You need too ask your mom too go out and make some friends, I regret not making friends when I was your age, and now I'm sounding like a dad lol (laughing emoji)".

34. The Facebook communications appeared to initially involve neutral subjects, but became increasingly sexual in nature. For example, on March 2, 2025, RODRIGUEZ stated "All the dirty pics I sent were fake", as well as, "And I don't want too have sex with you, I just wanna be here for you."

35. Although RODRIGUEZ appeared to make reservations about having sexual contact with Emiry, RODRIGUEZ went on to communicate in a sexual manner. For example, on March 3, 2025, the following messages ensued:

RODRIGUEZ "So you really want me too fuck you"  
 Emiry "Yes"  
 Emiry "How we do that"  
 Emiry "And as long as you don't tell my mommy"  
 RODRIGUEZ "I won't tell your mommy"

RODRIGUEZ	"Where do you live"
RODRIGUEZ	"Umm can I see you"
Emiry	"Fairport NY"

36. Following the above conversation regarding RODRIGUEZ asking Emiry if she wants him to "fuck" her, which took place on March 3, 2025, RODRIGUEZ suggests meeting with Emiry in person. More specifically, RODRIGUEZ stated the following, "Can we meet at the library". Later in the communications, Emiry asks "And which library do y8u wanna meet at" to which RODRIGUEZ stated, "Fairport public library".

37. Throughout the conversation, RODRIGUEZ asked Emiry for pictures of herself. In response, Emiry sent photos of a fully clothed female (who is known to CW1). For example, on March 3, 2025, the following ensued:

RODRIGUEZ	"Can you take a full pic for me"
Emiry	"Yes"
Emiry	"Give me a second"
RODRIGUEZ	"Yay (emoji)"
RODRIGUEZ	"Kk"
Emiry	No message content to display
RODRIGUEZ	Sent picture depicting Tony Rodriguez with no shirt on and wearing pants and underwear
RODRIGUEZ	"Can you take the sweater off"
Emiry	"Hehe no It's cold in my house"
RODRIGUEZ	"just take the sweater off for a second then put it back on"
RODRIGUEZ	"Please (sad face emoji)"
.....	
Emiry	No message content to display
RODRIGUEZ	"Damn girl"
Emiry	"Whaa hehe"
RODRIGUEZ	"Your sexy for being so young"

38. After RODRIGUEZ made reference to Emiry being "so young", he asks

Emiry, “Can I show you my dick”, to which Emiry stated “Sure”. The following conversation then ensued:

RODRIGUEZ	“You deleted a message”
RODRIGUEZ	“Btw add me on Instagram”
Emiry	“Woah wha that heeh”
RODRIGUEZ	“My penis, or my private part”

39. As communications continued, they continued to be sexual in nature. For example, on March 3, 2025, RODRIGUEZ sent the following message, “Umm yeah did you try playing with yourself” and “Just took see how it feels”. Additionally, the following conversation ensued:

Emiry	“No I didn’t”
Emiry	“Imma kind of scared to do it by myself”
RODRIGUEZ	“Just try it”
RODRIGUEZ	“You might enjoy it kiddo”
Emiry	“Hehe”
RODRIGUEZ	“Just take two fingers and rub where you pee from”

40. Throughout the conversation, RODRIGUEZ makes reference to Instagram. For example, RODRIGUEZ sends a picture depicting a screen capture of what is believed to be an Instagram account for “tonyavidrodriguez”. As conversations continued, RODRIGUEZ indicated sending Emiry a chat invite and requests her to message him back, appearing as if he is the owner and controller of the Instagram account “tonyavidrodriguez”.

41. RODRIGUEZ again makes reference to wanting to meet Emiry, in which the following conversation took place:

RODRIGUEZ	"Have fun (smiley face emoji)"
Emiry	"Huh"
RODRIGUEZ	"Just touch yourself"
RODRIGUEZ	"When did you want too meet"
Emiry	"When mommy gone"
RODRIGUEZ	"When will that be"
RODRIGUEZ	"I can't wait too meet you"
Emiry	"Same"
Emiry	"What we gonna do"
.....	
RODRIGUEZ	"Your scared about the whole sex thing aren't you"
Emiry	"No hehe"
RODRIGUEZ	"Really kiddo"
RODRIGUEZ	"So you really want too try it"
Emiry	"Yes"

42. On at least two occasions, RODRIGUEZ requests Emiry to take her clothes off. In one instance, Emiry appears to agree to take her clothes off, to which RODRIGUEZ responds with "Let me see". At this point Emiry appears to have reservations about sending the picture RODRIGUEZ requested, and indicates she will show him in person when they meet. RODRIGUEZ then responds with "Just show me your boobs until we meet". As this conversation continues, Emiry appears to send pictures to RODRIGUEZ (these pictures are not visible to law enforcement through these communications and are marked "No message content to display"). After RODRIGUEZ receives these messages, RODRIGUEZ responds with "Okay one more but let me see your butt" and "Are you wearing a dress". Emiry does respond by stating "Yes" which prompts RODRIGUEZ to ask Emiry the following, "Lift the dress and show me your butt".

43. Emiry again appears to show reservations about sending the picture requested by RODRIGUEZ, that being Emiry lifting her dress and showing RODRIGUEZ her butt. RODRIGUEZ eventually responds by stating "Nice little body" and "I can't wait too fuck



you”.

44. On March 11, 2025, RODRIGUEZ again makes reference to his desire to meeting Emiry in person in which the following conversation ensued:

RODRIGUEZ	“I can’t wait too meet you”
Emiry	“Why hehe”
RODRIGUEZ	“Honestly because I want too kiss you”
RODRIGUEZ	“Among other things”
Emiry	“Like whaaa”
RODRIGUEZ	“Like play with your pussy and fuck you”
RODRIGUEZ	“If you let me”
Emiry	“Hehe we can”
RODRIGUEZ	“Where”
RODRIGUEZ	“Where can we, we can’t get caught though”
RODRIGUEZ	“One more cutie (emoji)”
Emiry	“When mom not home”
RODRIGUEZ	“When will that be”
RODRIGUEZ	“I can fuck you inside your house”
Emiry	“Yes hehe”
RODRIGUEZ	“Are you you wanna do this kiddo”
Emiry	“Yes”
RODRIGUEZ	“Okay Hun (emoji)”
RODRIGUEZ	“But why (emoji)”
RODRIGUEZ	“Your only 11 and you want me too fuck you”
Emiry	“Yes”
RODRIGUEZ	“I hope I don’t hurt you”
Emiry	“You wont”
RODRIGUEZ	“I’m told it always hurts the first time”
.....	
RODRIGUEZ	“How hard can i fuck you”
.....	
RODRIGUEZ	“I’ll try too be gentle with you”
RODRIGUEZ	“You should go online and look up porn, just so you know what your getting yourself into”

45. Following the above sexual conversation, RODRIGUEZ and Emiry agreed to meet on Wednesday March 12, 2025. Additionally, the following communications ensued:

RODRIGUEZ	"Are we still meeting at the library or just come over too your house"
Emiry	"Which one do you want"
RODRIGUEZ	"It's up too you kiddo"
RODRIGUEZ	"It might be weird if we met in public though"
Emiry	"Yah"

46. On March 12, 2025, RODRIGUEZ and Emiry continue to discuss meeting in person. More specifically, RODRIGUEZ requests to meet at the Fairport Public Library and sends the address to Emiry. As communications continue, RODRIGUEZ tells Emiry, "If anyone asks your my long lost daughter okay". Additionally, RODRIGUEZ indicates that he is fearful of getting into trouble by stating, "I can get into a lot of trouble for meeting you".

47. On March 12, 2025, RODRIGUEZ does arrive at the predetermined location, which is located within the Western District of New York, to meet Emiry as previously stated above.

48. In the course of reviewing the Motorola G Pure cellular telephone, your affiant observed text communications between "Ghost Life" and another individual who indicated that they are a minor. Below is a summary of some of those communications:

a. *User 1<sup>3</sup>*:

User 1	Identifies the user of "Ghost Life" as being "Tony"
User 1	Indicates being in school and watching a movie in class. User 1 goes on to say that everyone in the class are 13 and 14.

49. As communications between Tony and User 1 continue, the following

---

<sup>3</sup> To date, the identity of User 1 has not been confirmed.

conversation ensues:

User 1 "We can meet, but keep it pg"  
 Tony "Wait really"  
 User 1 "Do NOT touch me. Do NOT act weird. Do NOT try to rape me. My uncle is a {redacted}."  
 ....  
 Tony "That's fine"  
 Tony "I would never do that to you"  
 User 1 "You used to want to."  
 User 1 "Do not get hard. I will run."  
 Tony "You mean don't let my dick get hard"  
 User 1 "Treat me like a human. Not a toy."  
 Tony "I will"  
 User 1 "Yes no duh what else would I be talking about???? Do not let your dick get hard..."  
 Tony "I can't promise anything lol (smile face emoji)"  
 Tony "I'll try not too get hard though"  
 User 1 "Good. I'm scared of you because of the shit you send me and used to say..."  
 User 1 "I'm scared of any old guy."  
 Tony "It's still technically true"  
 User 1 "What??"  
 ....  
 Tony "That I still want you"  
 Tony "Like a lot"  
 ....  
 Tony "What if my hand accidentally slips on your butt"  
 ....  
 User 1 "You can control that... I'm not dumb. I'm 13"

50. During the conversation, Tony communicates in a sexual manner. For example, Tony sends the following messages throughout the conversation.

Tony "So can I suck on your nipples"  
 Tony "Suck on your boobs"  
 Tony "Lick your nipples"  
 Tony "Can I suck on your nipples and lick your pussy"

51. During the conversations, on June 24, 2024, Tony sends a video to User 1

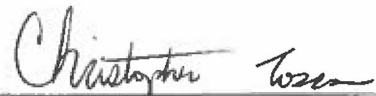
depicting himself naked and his penis exposed. As the video continues, Tony is observed touching his penis in a sexual manner.

52. The initial chats between the “Emiry” (CW1) and RODRIGUEZ took place via the instant messaging service referenced above. The application operates using a means and facility of interstate and foreign commerce, that is, the internet.


### Conclusion

53. It is a Class B Felony criminal offense in the State of New York for a person over eighteen years of age to engage in vaginal sexual contact with a person under thirteen years of age, specifically, a violation of New York State Penal Law: Section 130.35 (Rape in the first degree).

54. Based on the foregoing, I respectfully submit that there is probable cause to believe that TONY RODRIGUEZ committed the TARGET OFFENSES.

  
CHRISTOPHER TOSCANO  
Task Force Officer  
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 5th day of May 2025

  
HON. MARK W. PEDERSEN  
United States Magistrate Judge